

Video Deposition of Michael Hill - November 1, 2006  
Michael Hill v. John LaManna, et al.  
Civil Action No. 03-323E

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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MICHAEL HILL,

Plaintiff,

v.

CIVIL ACTION NO. 03-323E

JOHN LAMANNA, et al.,

Defendants.

The video deposition of MICHAEL HILL was taken pursuant to the Federal Rules of Civil Procedure, in the above-entitled action, on the 1st day of November, 2006, at 9:05 a.m., at FCI Gilmer, Federal Correctional Institution, located at 201 FCI Lane, Glenville, Gilmer County, West Virginia, before Pamela K. Judy, Certified Verbatim Court Reporter and Notary Public in and for the State of West Virginia.

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<p>APPEARANCES: (Via Video Conference)</p> <p>NEAL R. DEVLIN, Attorney at Law Knox, McLaughlin, Gornall &amp; Sennett, PC 120 West Tenth Street Erie, Pennsylvania 16501-1461 Counsel for Plaintiff</p> <p>MICHAEL C. COLVILLE Assistant United States Attorney Western District of Pennsylvania 700 Grant Street, Suite 4000 Pittsburgh, Pennsylvania 15219 Counsel for Defendant United States</p> <p>DOUG GOLDRING, Attorney at Law 400 First Street, Northwest Washington, District of Columbia 20534 Counsel for UNICOR</p>	<p>1 (Witness sworn.)</p> <p>2 THEREUPON,</p> <p>3 MICHAEL HILL</p> <p>4 having been first duly sworn to tell the truth,</p> <p>5 testified as follows:</p> <p>6 EXAMINATION</p> <p>7 BY MR. COLVILLE:</p> <p>8 Q Mr. Hill, good morning. My name is Mike</p> <p>9 Colville, and I'm the Assistant U.S. Attorney assigned</p> <p>10 to defend your lawsuit, and the purpose of today's</p> <p>11 deposition is for me to get some information from you</p> <p>12 concerning the facts surrounding your complaint. To do</p> <p>13 that, I'm going to ask you a bunch of questions, and I</p> <p>14 need you to respond affirmatively, with a verbal</p> <p>15 response, not a shake of the head. If you don't</p> <p>16 understand any of the -- a question I'm asking you,</p> <p>17 please let me know, and I'll rephrase it or we'll figure</p> <p>18 something out, but I'm going to assume that, if you</p> <p>19 answer it, you understand the question.</p> <p>20 What I'd like to do is begin by asking</p> <p>21 you questions about your work history while working at</p> <p>22 UNICOR. Can you tell me, if you recall, when you began</p>						
<p>PAGE 3</p> <p style="text-align: center;">I N D E X</p> <table border="0"> <tr> <td style="vertical-align: top;">Witness</td> <td style="vertical-align: top;">Examination</td> </tr> <tr> <td>Michael Hill</td> <td>4 (Colville)</td> </tr> <tr> <td></td> <td>63 (Goldring)</td> </tr> </table> <p>Reporter's Certificate.....71</p>	Witness	Examination	Michael Hill	4 (Colville)		63 (Goldring)	<p>PAGE 5</p> <p>1 working at UNICOR at McKean?</p> <p>2 A I believe it was August 2'02.</p> <p>3 Q Okay. What position did you hold at</p> <p>4 that time, within UNICOR?</p> <p>5 A I was assigned to the night shift, P.M.</p> <p>6 shift, and I was assigned to a part of the factory</p> <p>7 called the car wash; it was in, what I believe to be,</p> <p>8 packing. I don't believe that that was what was</p> <p>9 documented on the papers as far as my assignment was</p> <p>10 concerned, but I worked most of the time in the car</p> <p>11 wash. I believe they had me assigned to something</p> <p>12 called Lay-Up Two, on paper.</p> <p>13 Q Is Lay-Up Two different than the</p> <p>14 packing?</p> <p>15 A I don't even -- I never -- I never knew</p> <p>16 what Lay-Up Two was. It's different -- I believe it's</p> <p>17 different than the packing, yes.</p> <p>18 Q Okay. Who was your direct supervisor at</p> <p>19 that time?</p> <p>20 A Rob Bevivino.</p> <p>21 Q How many days a week would you work, and</p> <p>22 how many hours a day did you work?</p>
Witness	Examination						
Michael Hill	4 (Colville)						
	63 (Goldring)						

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1 A I worked from -- I worked five days a  
2 week, from, I believe it to be, 3:30 to 10:30.  
3 Q Would you describe for me the duties  
4 that you had as a -- in the car wash or in the packing  
5 department?  
6 A We were like the end of the line. When  
7 the material -- like the material that -- such as that  
8 table you're sitting at, we would take that and wipe it  
9 down and stack it, and right at the edge of the table  
10 that we had, that was where the guys would box it up,  
11 seal it up, and ship it to the dock to be -- to go out.  
12 We would just clean it, wipe it down, and stack it for  
13 those guys to put over into the crates that it would go  
14 out in.  
15 Q How long did you hold this job?  
16 A I held that job from August up until  
17 sometime around April 2003, I believe. I may be a  
18 little --  
19 Q Did you have any other jobs within  
20 UNICOR, other than the packing job that you just  
21 described?  
22 A Sure. Yes.

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1 Q What jobs were they?  
2 A For the most part, if you worked in the  
3 car wash or the packing, there wasn't a lot of work on  
4 the P.M. shift, so, customarily, when we were sitting  
5 around, we were pulled out of that area and taken into  
6 another area. It was no specific area that they would  
7 take us in; they would just take us where they needed  
8 help.  
9 Q What types of jobs would you have to do  
10 on those occasions?  
11 A Sometimes, I would go to the saw and  
12 help the guys with the boards, stacking the boards,  
13 cutting the boards, and just handling the boards and  
14 taking them from one area to another.  
15 Q How often would you have to do this type  
16 of work rather than the packing work?  
17 A I would say at least three times a week.  
18 Q During the P.M. shift, was there always  
19 cutting being done during that shift?  
20 A Well, not -- well, not just cutting.  
21 There was a lot of machining.  
22 Q I guess my question is, during the P.M.

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1 shift that you worked, was there always some type of  
2 work involving Micore boards, either cutting, boring,  
3 any type of work which would have caused dust to occur,  
4 or were there nights when there was no cutting, boring,  
5 and it was just a matter of packing and organizing the  
6 work for the next day?  
7 A I can't answer that question, because  
8 the UNICOR was so big that I don't know what guys were  
9 doing in other areas on the days that I wasn't working  
10 with the Micore board.  
11 Q Well, I'm talking about the days where  
12 you were working.  
13 A I usually worked with it about three  
14 days a week.  
15 Q I understand that. I'm just saying, the  
16 three days a week that you were taken away from packing  
17 and you were used wherever they needed you, was it  
18 always such that there was cutting, sawing, or boring of  
19 the Micore boards at that time, or were there periods of  
20 time where you were taken away and just did other work  
21 that didn't involve the cutting or the boring or that  
22 type of work?

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1 A That would probably go to the other two  
2 days. Yeah, that would probably go to the other two  
3 days out of the -- of the five days, where I would go  
4 to, maybe, another area and -- they had an area where  
5 they laminated boards and it went through a machine, and  
6 we would go over -- they would need guys to hold the  
7 boards, and then there was a couple of other areas that  
8 we would go to, but for the most part, there seemed to  
9 be -- to have been an abundance of Micore board coming  
10 into the facility at the time period that I worked, and  
11 I heard a lot of reference to that.  
12 Q Tell me a little bit more about what you  
13 mean by that, please.  
14 A When they would come and get us to work  
15 those areas, they would say we have to get this tack  
16 board or Micore board ready, we have a lot of it coming  
17 in, we have a lot of it to help the A.M. shift with.  
18 Q When you say help the A.M. shift, what  
19 do you mean by that?  
20 A Work left over from the A.M. shift.  
21 Q So you would finish work that they  
22 hadn't completed?

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1 A I was told that before.  
 2 Q By whom?  
 3 A Foreman, other inmates.  
 4 Q What foreman?  
 5 A My foreman, Bob Bevivino.  
 6 Q Mr. Bevivino?  
 7 A Yes, sir.  
 8 Q Mr. Hill, is there a difference between  
 9 tack board and Micore board?  
 10 A Not to my knowledge.  
 11 Q So when people reference "tack board,"  
 12 they're using it interchangeably with "Micore board"?  
 13 A According to my knowledge, yes.  
 14 Q Okay. When you were in the packing --  
 15 well, let me step back. When you were working with --  
 16 on the three nights that you were taken away from the  
 17 packing department and were used wherever needed, did  
 18 you ever have to operate any of the saws or the routers?  
 19 A No, I never actually operated them. No.  
 20 Q Okay. I take it, you did work around  
 21 those machines, though, at some point in time during  
 22 those three days?

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1 A Yes.  
 2 Q Okay. Can you explain to me, maybe in a  
 3 little more detail, what you had to do or where you were  
 4 relative to the machines?  
 5 A At the routers, which were approximately  
 6 -- the router machines were in very close proximity to  
 7 where I worked in the car wash. At the router machines,  
 8 the guy that actually operated the router machine, he  
 9 needed assistance, he needed the boards held, and, you  
 10 know, you had to put pressure on the boards so that they  
 11 could -- they could be, I guess, routed properly, and  
 12 then, once he routed -- once me and maybe another guy  
 13 held the boards and took them off of the stacks and  
 14 handed it to him or, you know, worked with him to hold  
 15 them through the processing of the machine, we would  
 16 take the boards and stack them on another cart, you  
 17 know, we would like hand them off --  
 18 Q How far was the cart from the routing  
 19 machine?  
 20 A It was right up on it, it was right  
 21 there.  
 22 Q And once that was filled, would you have

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1 to then move the boards somewhere else?  
 2 A We would have to take the boards  
 3 wherever the foreman directed us to take them.  
 4 Q So during any given one shift, you  
 5 wouldn't have been around that router the entire time;  
 6 you would have been there holding the boards, then you  
 7 would have been away from it while you stacked the  
 8 boards and then took them elsewhere in the factory, is  
 9 that correct?  
 10 A We would -- we would -- to help you  
 11 understand what I'm saying, we would come to the router  
 12 machine with stacks of -- a stack of boards on a hand  
 13 truck. It may be -- just to give you an approximate  
 14 number or hypothetically speaking, I'd say -- say, for  
 15 instance, there's 20 boards on a hand truck. We push  
 16 the boards up to the machine, and we individually help  
 17 him do whatever he's doing on the router machine with  
 18 the boards until that 20 boards is finished, right. As  
 19 he -- as he does the boards, we stack them on the other  
 20 truck and take them to an area, and then we may come  
 21 back with 20 more.  
 22 Q On an average night when you were

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1 working in the router area, how many -- how many boards  
 2 would you normally go through on a shift that you were  
 3 working?  
 4 A I never counted them.  
 5 Q I'm not asking for a specific number,  
 6 but a ballpark estimate of an average night.  
 7 A There were a lot of boards, a lot of  
 8 boards.  
 9 Q I mean, how many; under 100, less than  
 10 50, --  
 11 A I'm sure there was --  
 12 Q -- more than 100?  
 13 A More than 100, maybe. Somewhere in that  
 14 area.  
 15 Q And, again, my understanding from your  
 16 earlier testimony is, the boards that you would have  
 17 been doing there at night would have been boards left  
 18 over from the day shift, who hadn't completed the  
 19 routing of those boards; is that accurate?  
 20 A Not all the time. I mean, I just  
 21 overheard someone say that. I'm not sure whether --  
 22 Q Okay.

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1 A -- they had a specific amount to do on  
2 my shift or not, but I know, on occasions, I've heard  
3 that.

4 Q Mr. Hill, when you worked near the  
5 router to help, did you see a vacuum system or a dust  
6 collection system on the router itself?

7 A Well, you had like -- I saw it on one of  
8 them. It was a couple of different machines, though; it  
9 wasn't on all of them.

10 Q Well, on the router that you worked, was  
11 there a dust collection system attached to it?

12 A I worked one that didn't have one, yeah.

13 Q Where was that located?

14 A I saw a vacuum on one of the machines  
15 that was nearest to the glue machine, but you had like  
16 -- in the area where those machines were, you may have  
17 had -- and it's been such a long time, I may be wrong on  
18 my number, but you may have -- it seems to me, you may  
19 have had anywhere from four to maybe five machines going  
20 down that aisle, and the very last one was the one that  
21 -- the one that I saw the vacuum on before.

22 Q Did the others have vacuums, or did they

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1 the factory, --

2 A No.

3 Q -- or did the routing stop at that  
4 point? No, what?

5 A I believe he would stop. He didn't -- I  
6 don't think he would continue.

7 Q Now were there other nights where you  
8 were taken away from the car wash, where you went and  
9 worked on a panel saw?

10 A Yes, there were.

11 Q Okay. During those nights, were there  
12 any nights where you actually operated the panel saw?

13 A Never operated it.

14 Q Okay. Could explain to me, with a  
15 little detail, what you did on those nights when you  
16 went and helped at the panel saw?

17 A Sometimes, the boards that we handled  
18 were -- they were pretty big and heavy boards, so the  
19 guy that actually did the cutting or operating of the  
20 machine, he needed help, he needed someone to hold the  
21 boards and to help force the boards, I guess, through  
22 the cutting process, and then we would -- almost the

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1 not have vacuums?

2 A I never seen vacuums on them. I only  
3 saw them on that one.

4 Q I'm talking about a dust -- well, I'm  
5 talking about a dust collection system that is attached  
6 to the machine itself, where either the drill bit hits  
7 the board or where the saw cuts, where it sucks the dust  
8 out of the area, up into an exhaust system. Did you  
9 ever see any such dust collection system on any of the  
10 machines you worked?

11 A At that time, I can't say that I was  
12 even looking for dust collection, because I wasn't  
13 really familiar --

14 Q Okay.

15 A -- with those machines.

16 Q All right. Mr. Hill, when you -- you  
17 talked about moving the -- after you routed so many  
18 boards, you would move them from one -- from the area  
19 where you're routing to a different area within the  
20 factory. When that occurred, did the man operating the  
21 routing machine continue to do routing while the boards  
22 were being taken by you or others to other places within

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1 same way that we did with the tack boards, we would --  
2 once they were cut, we would take them off and stack  
3 them.

4 Q Okay. Now you used the word "tack  
5 board." Are you telling me there were nights -- and you  
6 previously said tack board is the same as Micore board.  
7 Were there nights when you cut something other than  
8 Micore or tack board at the panel saw?

9 A You didn't really cut a whole lot of  
10 boards on the P.M. shift, but there were other nights,  
11 yes.

12 Q When you cut the boards at the panel saw  
13 -- or when you were there while they were cutting the  
14 boards at the panel saw, did you notice a dust  
15 collection system attached to the panel saw?

16 A At that time, I wasn't -- I wasn't  
17 looking for any of that. I mean, I was just doing as I  
18 was instructed.

19 Q When you were helping at the panel saw,  
20 how many boards were they cutting at one time?

21 A I wasn't counting. I mean, you just get  
22 in there and you --

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1 Q Weren't you holding the boards?  
 2 A Yeah, but you get in there and you just  
 3 do what they tell you to do, for eight -- for seven and  
 4 a half hours.  
 5 Q What did they tell you to do?  
 6 A Just help with the boards.  
 7 Q I understand, but did they tell you how  
 8 many boards to cut at one time?  
 9 A No. Maybe the guy actually operating  
 10 the saw, he knew the count, but I never knew the count.  
 11 Q Well, just so we're clear, I'm talking  
 12 about, when you picked -- when you held the boards while  
 13 they were being cut, I'm asking, how many boards were  
 14 you holding at that time, while they were being cut?  
 15 A One at a time. One at a time.  
 16 Q Okay. Was that all the times you worked  
 17 at the router or at the panel saw, it was one board at a  
 18 time?  
 19 A Yeah. That's the only way you can do  
 20 it, I believe.  
 21 Q What do you mean by that?  
 22 A You can't cut five boards at a time.

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1 Q Can you cut more than one board at a  
 2 time?  
 3 A Not to my knowledge. I guess --  
 4 Q Okay. When did you stop working at  
 5 UNICOR?  
 6 A I don't know the exact date, but I  
 7 believe it was sometime in -- let me take that back.  
 8 When did I actually stop period, without returning?  
 9 Q Yes. Yes.  
 10 A Because there was a time when I stopped,  
 11 I believe -- when they fired me in April of 2003, and I  
 12 went back after that, in June, and they put me on the  
 13 A.M. shift, and then sometime during the later part of  
 14 the year, I was fired again. I believe that to be  
 15 sometime in -- and I may be wrong -- I believe it was  
 16 November.  
 17 Q My records show that you were rehired in  
 18 June, June 24th of '03, and you were let -- you were  
 19 removed November 13th of '03. Is that about the time  
 20 you recall?  
 21 A I believe so.  
 22 Q And you also mentioned you were -- is it

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1 during this five-month period of time that you said you  
 2 worked the A.M. shift?  
 3 A Yes, from June till --  
 4 Q What does that mean?  
 5 A -- November. What does that mean?  
 6 Q Yeah, what time. What time is the A.M.  
 7 shift?  
 8 A 7:30 to 3:30 P.M.  
 9 Q During that period of time, what were  
 10 your duties?  
 11 A I was assigned to the -- what they call  
 12 production. I was on the -- I was on the loading dock.  
 13 Q For that entire five-month period?  
 14 A For the most part.  
 15 Q All right. Where is the loading dock  
 16 located?  
 17 A It's in the -- it's in what I would call  
 18 the very back of the UNICOR.  
 19 Q All right. By virtue -- well, working  
 20 on the loading dock, would you be inside and outside of  
 21 the plant at times?  
 22 A Yes, sir.

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1 Q Explain to me what you would do on the  
 2 loading dock, in as much detail as you can give.  
 3 A We would take dumpsters that contained  
 4 scrap boards, and we would have to get down into the  
 5 dumpsters and transfer the dumpsters that were used in  
 6 the inner UNICOR to another dumpster in the outer  
 7 UNICOR, so that they could be transported out of the  
 8 facility, and the material that was in there --  
 9 Q Were these dumpsters --  
 10 A -- the material that would be in those  
 11 dumpsters were all of the material that was worked on  
 12 inside of the UNICOR.  
 13 Q The dumpsters were located outside?  
 14 A You had inner -- you had inner dumpsters  
 15 and you had outer dumpsters. You had one that --  
 16 Q What were the materials -- I'm sorry, I  
 17 interrupted you. Let me start.  
 18 What were the materials that you were  
 19 taking from inside of the plant, outside of the plant,  
 20 to put into dumpsters?  
 21 A Scrap boards, like scrap Micore boards,  
 22 scrap particle boards, and different trash.

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1 Q Did they all go into the same dumpsters?  
 2 A For the most part, yes.  
 3 Q Did you only work on the loading dock  
 4 during this five-month period of time, or did you work  
 5 on the loading dock at other points during your  
 6 employment with UNICOR?  
 7 A I dumped trash before.  
 8 Q When did you do that?  
 9 A Before I was transferred on the shift, I  
 10 dumped trash, and I'd been taking it to -- supervised,  
 11 into the loading dock area when I was on the P.M. shift,  
 12 you know, to perform extracurricular activities or  
 13 duties.  
 14 Q So you would have worked on the loading  
 15 dock during some of those nights, those three days you  
 16 said earlier, that you would have been taken away from  
 17 the car wash and done other odd jobs, is that right?  
 18 A No. No. No, just --  
 19 Q Okay.  
 20 A I was just taking it to that --  
 21 Q Explain it for me, then.  
 22 A I was just taking it to that area,

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1 occasionally, with -- to get stuff, but other than that,  
 2 no, there was no -- there was no Production One work  
 3 going on.  
 4 Q Okay, so when you say you worked on the  
 5 loading dock, the majority of the time you worked on the  
 6 loading dock was during this five-month period between  
 7 June of '03 and November of '03?  
 8 A Yes, sir.  
 9 Q During that same period of time, did you  
 10 do any other duties or have any other responsibilities?  
 11 A Well, again, yes, they would get us and  
 12 take us to areas that needed help.  
 13 Q And would you again go work with -- near  
 14 the router or near the panel saw during those times?  
 15 A Occasionally, I would take -- as part of  
 16 my duties on the loading dock, when materials such as  
 17 tack board or particle board came in off of a tractor-  
 18 trailer, we would take it and stack it in areas near  
 19 panel saws, and we would unband it and prepare it for  
 20 the panel saw to be cut.  
 21 Q When you unloaded a shipment of tack  
 22 board or Micore board, how was it shipped; was it

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1 shipped on pallets or -- explain to me how it was  
 2 shipped.  
 3 A On pallets.  
 4 Q How many boards would be on a pallet?  
 5 A Again, I never counted them.  
 6 Q If you can estimate for me.  
 7 Let me ask you this way: how high was a  
 8 pallet stacked; was it taller than you?  
 9 A No, it wasn't taller than me.  
 10 Q Where would a pallet come to you if you  
 11 were standing right next to it?  
 12 A Some lower than my waist, some higher  
 13 than my waist.  
 14 Q All right, and how many pallets would  
 15 come on any delivery, that you had to unpack when you  
 16 were working on the loading dock?  
 17 A I can't give you a specific number. I  
 18 wasn't counting. I mean, this stuff would happen quick  
 19 --  
 20 Q Okay. Were they delivered on an  
 21 18-wheeler truck or on some other type of truck?  
 22 A The big tractor-trailer trucks. I don't

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1 know how many wheels it had.  
 2 Q Okay. Would you unload these with  
 3 somebody else, or was it just your job to unload them?  
 4 A Several inmates. We had a forklift.  
 5 Q Okay. How long would it take to unload  
 6 a load of Micore board on any given night that you had  
 7 to do it?  
 8 A We never unloaded them at night. I  
 9 unloaded them during the A.M., after I was transferred  
 10 from the P.M. to the A.M.  
 11 Q I'm sorry, I misspoke. I understand.  
 12 How long would it take when you had to unload a load of  
 13 Micore board?  
 14 A That depended on the amount that was  
 15 coming in.  
 16 Q So do I take it, then, that every load  
 17 that came in wasn't necessarily a full tractor load full  
 18 of Micore board pallets?  
 19 A Exactly.  
 20 Q Some more, some less?  
 21 A Exactly. Sometimes, it wouldn't even be  
 22 Micore board.

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1 Q On the other occasions, what would it  
2 be?  
3 A It may be tack -- I mean, pardon me, it  
4 may be particle board or some other material.  
5 Q What other materials were delivered  
6 there?  
7 A The lamination, different supplies, and  
8 stuff of that nature.  
9 Q Do I take it that anytime there was a  
10 delivery to the UNICOR plant during your shift, that  
11 that was your main responsibility, to unload and to move  
12 the product to wherever it needed to be on the factory  
13 floor?  
14 A That's what we did in Production One.  
15 Q Okay, and do I take it, then, that when  
16 there were no deliveries being made, that it was -- you  
17 were then used as needed throughout different areas of  
18 the factory depending on the need at the time?  
19 A Yeah. Well, sometimes, we would just go  
20 out and shift material around on the floor to make room,  
21 you know, for the -- for cutting and stuff like that.  
22 We would direct the forklift to --

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1 Q Yeah, I think I understand.  
2 A Yeah.  
3 Q Who was your supervisor during the day  
4 shift, the A.M. shift?  
5 A Mr. Peterson.  
6 Q Did Dave English ever supervise you?  
7 A He was on the P.M. shift. I believe he  
8 was --  
9 Q Was he Mr. Bevivino's direct supervisor?  
10 A I believe so.  
11 Q Okay. Are there any other jobs, that  
12 you haven't described today, that you held throughout  
13 your employment with UNICOR at FCI McKean?  
14 A Probably so.  
15 Q What other jobs?  
16 A Like I said, I did just about everything  
17 that they told me to do.  
18 Q Okay, but are there any other jobs you  
19 need to tell me about, relative to your federal  
20 complaint, that you performed while at UNICOR, --  
21 MR. DEVLIN: Object to the form.  
22 MR. COLVILLE: -- that you haven't

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1 already discussed?  
2 MR. DEVLIN: You can go ahead and  
3 answer, Mr. Hill.  
4 THE WITNESS: I would say no.  
5 MR. COLVILLE: Okay. Fair enough.  
6 BY MR. COLVILLE:  
7 Q All right. Let me ask you, then -- I  
8 want to turn to the injuries that you claim that you  
9 sustained while working at UNICOR, and maybe the best  
10 way to do that is, let me ask you to identify each and  
11 every injury that you claim you sustained as a result of  
12 working at UNICOR while at FCI McKean, I'll write each  
13 one of them down, and then we'll go back and talk about  
14 each one more specifically after you list them all.  
15 Do you understand that?  
16 A Yes, sir.  
17 Q Let me put one, little caveat there. I  
18 don't need to know about the dental issue right now,  
19 we'll talk about that a little bit later, so let's talk  
20 about every other injury that you sustained except the  
21 dental, we'll talk about that later, so tell me about  
22 the injuries that you sustained.

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1 A I had quite a few sinus infections,  
2 upper respiratory infections, swollen membranes;  
3 itching, scratching, different type of skin problems; my  
4 buttocks, back, legs; sneezing, dizziness, tiredness,  
5 headaches, different -- stuff with my eyes; you know,  
6 just kind of like allergic-type stuff.  
7 Q Okay. Is that the entire list of  
8 symptoms or injuries that you sustained?  
9 A I'm quite sure there's some that I can't  
10 -- that I may be missing, but for the most part, that's  
11 kind of it. I had like -- was given antibiotics, that  
12 didn't work, for the sinus infection on, I believe it  
13 was, three or four different occasions, but that's  
14 pretty much it. Shortness of breath --  
15 Q Now, Mr. Hill, of all those symptoms or  
16 injuries that you've just described, do you presently  
17 have any of those injuries or symptoms?  
18 A I have wheezing, and I have a positive  
19 ANA, which is --  
20 Q What does that mean?  
21 A I have some sort of connective tissue  
22 disorder that could come from inhaling toxic stuff.

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1 Q Now who told you that?  
 2 A I've seen a specialist on several  
 3 occasions.  
 4 Q Who is that?  
 5 A Mrs. Colleen Watkins.  
 6 Q Who is Colleen Watkins?  
 7 A She is a rheumatologist.  
 8 Q And where does she work?  
 9 A University of West Virginia medical  
 10 facility.  
 11 Q Are you presently seeing her, or did you  
 12 just go see her one time or a couple times?  
 13 A I've seen her on quite a few occasions  
 14 since I've been at this facility. I first saw her --  
 15 Q What exactly is she seeing you for?  
 16 A Connective -- well, she saw me for what  
 17 was considered to be a mixed connective tissue disorder;  
 18 that's like when you have a -- when you have a positive  
 19 ANA, which is, antinuclear antibodies. I have a  
 20 suspected kidney problem, lupus, and I may have -- it  
 21 hasn't been -- it hasn't been affirmed exactly what --  
 22 which one of the connective tissue disorders I have.

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1 Q Now, I take it, Colleen Watkins is a  
 2 medical doctor?  
 3 A Yes.  
 4 Q Has she told you that this connective  
 5 tissue disorder is somehow related to the work  
 6 environment that you were exposed to at FCI McKean?  
 7 A No.  
 8 Q Okay. Has she told you what she  
 9 believes is the cause of the connective tissue disorder?  
 10 A No.  
 11 Q Are you still seeing Doctor Watkins?  
 12 A No.  
 13 Q Have you seen any other outside  
 14 physicians?  
 15 A Yes.  
 16 Q Who else have you seen?  
 17 A I've seen a gastroenterologist, and I've  
 18 seen a --  
 19 Q Who is that?  
 20 A His name is Doctor Shamma'a.  
 21 Q S-h-a-m-a?  
 22 A S-h-a-m-m-a, I believe, something like

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1 that.  
 2 Q Okay. Who else are you seeing?  
 3 A And I saw a nephrologist. His name is  
 4 Doctor --  
 5 Q And who was that?  
 6 A -- Sharma.  
 7 Q Has either Doctor Shamma'a or Doctor  
 8 Sharma told you that any of the conditions which they  
 9 are seeing you for are related or a result of your  
 10 working at FCI McKean in the UNICOR factory?  
 11 A No.  
 12 Q Have they told you -- well, why are you  
 13 seeing a gastroenterologist?  
 14 A Well, I had hepatitis C.  
 15 Q And why are you seeing a nephrologist?  
 16 A I had a kidney condition called  
 17 glomerulonephritis.  
 18 Q Did you have either of these conditions  
 19 prior to working at UNICOR?  
 20 A I knew about the hepatitis prior to  
 21 working at UNICOR.  
 22 Q Has either Doctor Watkins, Doctor

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1 Shamma'a, or Doctor Sharma told you that any of the  
 2 symptoms which you have described as having previously  
 3 are related to conditions that they are treating you  
 4 for?  
 5 A You have to repeat that.  
 6 Q Well, I'm not going to; probably a bad  
 7 question.  
 8 Other than the wheezing -- well, you  
 9 told me moments ago that you presently have wheezing as  
 10 a condition. Are there any other conditions that you  
 11 have, that are permanent in nature, that you attribute  
 12 to having worked in the UNICOR factory?  
 13 MR. DEVLIN: Object to form to the  
 14 extent it calls for a medical conclusion. You can  
 15 answer.  
 16 THE WITNESS: Excuse me.  
 17 MR. DEVLIN: You can answer. I just  
 18 lodged an objection for the record, but you can go ahead  
 19 and answer the question.  
 20 MR. COLVILLE: Let me start over.  
 21 BY MR. COLVILLE:  
 22 Q Mr. Hill, I asked you -- I asked you to

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1 list all the symptoms and injuries that you claim that  
2 you incurred as a result of working at UNICOR, and you  
3 gave me a number of items. I then asked you, what  
4 symptoms do you presently have, and you mentioned  
5 wheezing, and then you went on to talk about having seen  
6 Doctor Watkins, Doctor Shamma'a, and Doctor Sharma.

7 Are there any other conditions, which  
8 you presently have, which you claim are a result of  
9 having worked in the UNICOR factory?

10 A I still have quite a bit of sinus  
11 problems. I can't -- my nose runs a lot.

12 Q Is that the only symptom, with regard to  
13 the sinuses, that you have?

14 A Well, I don't know. I -- I don't know.

15 Q All right. Are you still itchy?

16 A Occasionally.

17 Q Do you have rashes?

18 A I've had rashes since leaving McKean.

19 Q You mentioned respiratory problems  
20 previously. Do you still have respiratory problems?

21 A I've had -- other than, sometimes,  
22 shortness of breath, no.

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1 A The initial one, yes, the BP-8, the  
2 informal resolution.

3 Q Did they respond?

4 A Yes, they did.

5 Q Okay. What about the other two  
6 defendants, Mr. -- or Ms. Forsyth and Warden LaManna,  
7 did they respond?

8 A There was one written for each one of  
9 them, and they were responded to.

10 Q Okay. Did you ever make a request to  
11 any of the defendants that went unresponded to?

12 A Yes.

13 Q When?

14 A I requested -- I don't remember the  
15 exact date. I requested a respirator from Stephen  
16 Housler, I requested to be fitted for a respirator, and  
17 Stephen Housler told me I didn't need it.

18 Q What did you say at that point or what  
19 did you do at that point, --

20 A I just --

21 Q -- once he told you that?

22 A I just backed off of it.

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1 Q Are you still having headaches?

2 A Yes.

3 Q How often?

4 A That's -- I have them persistently, but  
5 they're off and on.

6 Q The symptoms and injuries that you've  
7 described as having and which you attribute to working  
8 at the UNICOR factory, did you ever report any of those  
9 injuries or symptoms to your supervisor or to any of the  
10 defendants while you were working at UNICOR?

11 A I spoke to my supervisor, Mr. Bevivino,  
12 about the smell that was in the air and feeling dizzy,  
13 and he related to me that it was just kind of bad in the  
14 UNICOR.

15 Q Did you ever report your symptoms or  
16 your injuries to any of the defendants that you've named  
17 in your federal complaint?

18 A I reported them in a request for  
19 administrative remedy. Yes, sir.

20 Q Did those requests for administrative  
21 remedies go to the defendants? Well, let me ask, did  
22 they go to Mr. Sapko or Mr. Housler?

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1 Q Mr. Hill, do you smoke?

2 A No, sir.

3 Q Have you ever smoked?

4 A Yes, sir.

5 Q When did you quit smoking?

6 A 1999.

7 Q When you quit in 1999, how many  
8 cigarettes -- was it cigarettes you were smoking?

9 A Yes, sir.

10 Q When you quit in 1999, how many  
11 cigarettes were you smoking per day?

12 A A maximum of ten.

13 Q Okay. How long had you been smoking a  
14 maximum of ten cigarettes prior to 1999?

15 A I smoked off and on, so prior to 1999 --  
16 I believe I started smoking in 1995, so I smoked from  
17 '95 to '99, and then I stopped.

18 Q Have you ever smoked anything other than  
19 cigarettes?

20 A Yes.

21 Q What?

22 A In my younger days, I smoked marijuana.

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1 Q How long did you smoke marijuana?  
 2 A I'm not sure about it, but it was a --  
 3 it was a short period of time. I was a teenager. I  
 4 can't remember exactly.  
 5 Q Okay. Did you smoke marijuana for more  
 6 than a year?  
 7 A Oh, yeah.  
 8 Q Five years?  
 9 A I'd say about three years, and not every  
 10 day.  
 11 Q Were you present during the OSHA  
 12 inspection?  
 13 A No, I wasn't.  
 14 Q When you were working at UNICOR, did you  
 15 ever observe any other -- well, any non-inmates on the  
 16 work floor while you were working?  
 17 A Non-inmates?  
 18 Q Yes.  
 19 A Sure.  
 20 Q Would they be the supervisors?  
 21 A Yes.  
 22 Q Would the supervisors be near the

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1 routers and the panel saws while they were being  
 2 operated?  
 3 A Sometimes.  
 4 Q Okay. Did you ever observe any  
 5 non-inmate, who worked on the floor, using a respirator?  
 6 A No.  
 7 Q Did you ever observe defendants Mr.  
 8 Sapko or Mr. Housler on the work floor -- factory floor  
 9 during hours of operation?  
 10 A Sapko or who?  
 11 Q Housler, Steve Housler.  
 12 A Yeah.  
 13 Q Okay. When they were on the work floor,  
 14 would they be near or around the panel saw or the router  
 15 while it was in operation?  
 16 A They wouldn't come as close as I did,  
 17 but they were, yeah, in close proximity.  
 18 Q Did you ever observe them wearing a  
 19 respirator?  
 20 A No.  
 21 Q Have you ever heard of a program called  
 22 the inmate compensation program at the McKean facility?

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1 A Yes.  
 2 Q Okay. Would you explain to me what your  
 3 understanding of that program is?  
 4 A It would be, like, for an accident or  
 5 something. You would -- you could get compensated when  
 6 an accident occurred, something of that nature, I  
 7 believe.  
 8 Q Did you attend an orientation prior to  
 9 starting work as a UNICOR employee?  
 10 A It's what they call an orientation, yes.  
 11 Q During that orientation, however you  
 12 want to describe it, did they explain to you about the  
 13 inmate compensation program at that point?  
 14 A I can't remember.  
 15 Q Okay. Did you ever miss work because of  
 16 an injury that you sustained while working at UNICOR?  
 17 A Well, once I filed an administrative  
 18 remedy, the informal resolution, I was told not to come  
 19 back to work, so I don't know whether you could say that  
 20 -- I don't know whether you could say that I was -- I  
 21 actually kept myself out of work because I sustained an  
 22 injury or that I was forced out of work because they

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1 thought I had an injury, I don't -- I'm not -- I don't  
 2 know how you could label that, but that would be the  
 3 only time.  
 4 Q Did you ever file a claim through the  
 5 inmate compensation program for an injury you claimed  
 6 you suffered while working as a UNICOR employee?  
 7 A No. I believe -- no, I didn't.  
 8 Q Okay. Mr. Hill, I want to, now, talk  
 9 about your dental claim, and I want to ask you, first of  
 10 all, are you familiar with the sick call procedures --  
 11 A Yes.  
 12 Q -- at FCI McKean?  
 13 A Yes.  
 14 Q Were you familiar with them while you  
 15 were at FCI McKean?  
 16 A Yes.  
 17 Q Would you tell me in your words what you  
 18 understand those procedures to have been?  
 19 A You go down to sick call -- I mean, to  
 20 the medical department, and you request to be seen.  
 21 This is like 6:00 in the morning, sometime in the A.M.,  
 22 the very early A.M.

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1 Q Is it like an emergency room visit?  
 2 A It's like a triage. Yes.  
 3 Q And it's different than a regular,  
 4 scheduled medical appointment or dental appointment, is  
 5 that accurate?  
 6 A It's a little different.  
 7 Q Okay. Now, in this case, tell me what  
 8 happened with regard to your tooth and describe in your  
 9 words what your dental claim is all about, please.  
 10 A When you say describe what happened with  
 11 my tooth --  
 12 Q Yeah, tell me in your -- tell me in your  
 13 words what your complaint is about, concerning the  
 14 dental claim.  
 15 A In a nutshell, I believe he should have  
 16 -- he should have gave -- he shouldn't have held out  
 17 treatment as long as he held it out. That's what it's  
 18 about.  
 19 Q And you're talking about Doctor Collins?  
 20 A Yes.  
 21 Q Okay. As I understand the process, what  
 22 you did was, you submitted a form saying, "I'd like to

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1 anything?  
 2 A He said that I would need to submit a  
 3 request to be put on the list.  
 4 Q Did you do that?  
 5 A Yes, I did.  
 6 Q Tell me exactly what you told Doctor  
 7 Collins during that open house. I mean, you mentioned  
 8 you spoke to him, but were there specific things that  
 9 you told him at that time?  
 10 A Yeah, we talked extensively, so -- for  
 11 the most part, I remember telling him that I had  
 12 approximately three cavities, one which had been  
 13 temporarily filled and it had been filled for some time,  
 14 and that I was scheduled at the other facility to go  
 15 back and have it permanently filled, but I was  
 16 transferred.  
 17 I also told him that the filling, pieces  
 18 -- I was able to spit pieces of it out. He said --  
 19 that's when he told me I would have to get my name on  
 20 the list for routine care, because fillings were  
 21 considered -- and having cavities restored were  
 22 considered routine care.

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1 be seen to have my tooth filled," is that accurate?  
 2 A That's not -- that not all of it.  
 3 Q Okay. What else is there?  
 4 A I believe I told him that the filling in  
 5 the tooth was coming loose and that I was suffering --  
 6 Q Did you tell that to Doctor Collins, or  
 7 did you tell that -- I'm sorry. Did you tell that to  
 8 Doctor Collins, or did you tell that to somebody else,  
 9 other than Doctor Collins?  
 10 A I told several people that.  
 11 Q Okay. When was the first time you saw  
 12 Doctor Collins?  
 13 A When I first arrived at the facility,  
 14 shortly afterwards, I went to Doctor Collins at what  
 15 they call the open house. That means you can just go  
 16 down for about -- it's open for an hour, and you can go  
 17 in and you can talk to the medical department about your  
 18 medical issues.  
 19 I described to him what happened in  
 20 Lompoc, that I had a temporary filling and I had -- that  
 21 I had other cavities.  
 22 Q What did he say at that time, if

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1 Q Do you recall when this conversation  
 2 took place?  
 3 A I don't remember the exact date, but it  
 4 was -- it was in the -- it was in the later part -- it  
 5 was shortly after my arrival, and it was in the later  
 6 part of 2001.  
 7 Q My records indicate you arrived at  
 8 McKean October 18th of 2001.  
 9 A Right.  
 10 Q Is that about what you recall?  
 11 A That's about right.  
 12 Q So it was after that but before -- okay,  
 13 so it was sometime November-December --  
 14 A Yeah.  
 15 Q -- 2001?  
 16 A Right.  
 17 Q Okay. When you spoke with Doctor  
 18 Collins at that open house, did you tell him at that  
 19 point that your -- that your cap -- that your filling  
 20 was loose?  
 21 A I told him that I had been able to spit  
 22 portions of it out, little -- small pieces of it.

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1 Q Was your tooth having any pain at that  
2 -- at that point?  
3 A No, it wasn't. I was trying to avoid  
4 pain.  
5 Q All right. Okay, so Doctor Collins then  
6 tells you to submit a request. Did you do that?  
7 A Yes, sir.  
8 Q Okay. What happened next?  
9 A Nothing.  
10 Q Did anybody respond to the request?  
11 A They responded -- no, they didn't  
12 respond to the first one. I believe I put in a second  
13 one -- and I may be wrong, but it seems to me that I put  
14 in a second request sometime in the earlier part or the  
15 first quarter of the next year, and that one was  
16 responded to. I believe I noted in --  
17 Q Who responded, if you remember?  
18 A Someone from the medical services. They  
19 told me that I was added to the --  
20 Q What did they tell you?  
21 A I can't remember exactly, but I do  
22 remember them saying -- telling me what -- where I was

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1 on the list.  
2 Q Did anybody tell you that if you had any  
3 pain, that you should go to sick call?  
4 A Yes, they did.  
5 Q All right. Do you remember who told you  
6 that?  
7 A I can't remember exactly at that -- who  
8 told me that at that point.  
9 Q Do you remember when they told you that?  
10 A They told me that later on, after I  
11 informed them that I had pain.  
12 Q Okay. When -- that's my next question.  
13 Did you ever have pain in your tooth with the filling  
14 that you described earlier?  
15 A Not initially. Not when I initially  
16 arrived, no.  
17 Q Okay. When did you first have pain with  
18 that tooth?  
19 A I began having pain -- I would say,  
20 during the next year, I started having -- maybe the  
21 first quarter of the next year, around April, May,  
22 somewhere in there, I'm not sure, but I began to have it

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1 as cold air and cold drink and stuff of that nature,  
2 while I was brushing my teeth, with touching -- making  
3 contact with the tooth. I began having it at that time.  
4 Q Okay. Prior to April or May of 2002,  
5 had you been told prior to that time that if you had any  
6 pain, that you should go to sick call to have it  
7 attended to?  
8 A I could have been, but I'm not really  
9 sure. I believe I was --  
10 Q When you had pain in the tooth -- go  
11 ahead.  
12 A I believe that I was just told what  
13 number that I was on the list.  
14 Q When you had pain in the tooth, did you  
15 go to sick call?  
16 A I reported to sick call a couple of  
17 times.  
18 Q When did first report to sick call and  
19 report to them that you had pain in your tooth?  
20 A I told the PA. I don't remember the  
21 dates. I even went to -- I went back to dental open  
22 house and reported it to Doctor Collins. I told him

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1 that I couldn't eat, I couldn't --  
2 Q When was this?  
3 A This was about June or July, 2002.  
4 Q What did you tell Doctor Collins?  
5 A That I'm having problems eating on that  
6 side where the tooth was, I'm having problems with cold  
7 drink and cold air on that side with that tooth.  
8 Q So April or May of 2002, you begin to  
9 have pain; you report this pain in June or July of 2002,  
10 during an open house; --  
11 A No. The pain became more --  
12 Q -- between April --  
13 A The pain became more persistent and  
14 regular around June or July, --  
15 Q Right.  
16 A -- right, it was off and on --  
17 Q All right.  
18 A -- prior to that, so I went over to the  
19 dental -- the dental open house, sick call, and I spoke  
20 with Doctor Collins about it. Shortly --  
21 Q Hold on a second. Is dental open house  
22 the same as sick call?

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1 A Well, pretty much, because he takes --  
2 he could take you in, and he's taken people in, and I  
3 believe he even took me in one time during the open  
4 house and examined or looked in my mouth or something,  
5 so, I mean, if you have an emergent problem --

6 Q What period of time was this, that he --  
7 that he took you in during the open house?

8 A I can't recall. I believe it was --  
9 when I initially spoke with him -- it's been so long  
10 ago, I can't -- I don't remember, but I do recall being  
11 taken into the office or examination area during open  
12 house.

13 Q Is this prior to the tooth being  
14 extracted?

15 A Yes.

16 Q What did he do when he -- when he looked  
17 in your mouth; was he looking at the tooth we're talking  
18 about?

19 A I believe so.

20 Q And you don't recall when this was?

21 A Well, I was -- I was there so much,  
22 trying to -- for other reasons and for the tooth, so I

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1 A No, because he kept telling me -- well,  
2 did he -- he looked in my mouth before my tooth was  
3 extracted, yes, to answer that question.

4 Q Well, I'm talking about a visit prior to  
5 the one you went and had it extracted.

6 A I went to sick call -- when the tooth  
7 started hurting, I reported -- I reported this on  
8 several occasions. I remember speaking to Mr. Menon,  
9 the administrator, who looked into my mouth. This was  
10 around November -- early part of November -- November  
11 22nd, 2002, he looked in my mouth.

12 Q That's five days prior to your tooth  
13 being extracted by Doctor Collins?

14 A Right.

15 Q What's the man's name; --

16 A I believe his name --

17 Q -- Doctor Menon?

18 A I believe his name was Menon.

19 Q How would you spell that?

20 A Like the Mennen deodorant, I believe.

21 Q Okay.

22 A M-e-n-o-n.

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1 can't -- I can't recall the exact date, no, I can't. I  
2 mean, I went --

3 Q Okay, but I just want to make -- I want  
4 to make a couple things clear here. Are you telling me  
5 that you went -- prior to your tooth being extracted,  
6 you went to an open house and spoke to Doctor Collins  
7 about your tooth --

8 A Yeah.

9 Q -- and that Doctor Collins, at one  
10 point, took you in and looked into your mouth and looked  
11 at the tooth?

12 A I'm not sure whether -- okay, let me put  
13 it this way. It may not have been open house, it may  
14 have been during my initial examination or something,  
15 because when you come to a facility, I believe,  
16 somewhere along the line, they give you a -- like a  
17 physical or something, but I recall being in his office,  
18 in the examination chair, prior to my tooth being  
19 extracted.

20 Q Do you recall being in his chair, having  
21 him look at your tooth, after your tooth began to ache  
22 and prior to it being extracted?

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1 Q Okay. Was that the first time you went  
2 to sick call about the pain in your tooth?

3 A I can't really be sure, because I went  
4 to open house and I had a lot of interaction with Doctor  
5 Collins, and I can't recall whether it was sick call or  
6 actually open house, I'm confused on those two.

7 Q Okay, but when you saw Doctor Menon --  
8 or when you saw Mr. Menon, Mr. Menon was at sick call,  
9 is that correct?

10 A I don't believe Mr. Menon actually did  
11 sick call, I'm not -- I don't know whether he was or  
12 not. He was making -- he was making rounds in the -- in  
13 the SHU, which is the special housing unit, and I had  
14 submitted --

15 Q Is that where you were at the time?

16 A Yes, sir.

17 I had submitted several requests with  
18 the PA, who actually performed sick call, and when I saw  
19 him, I registered my complaint verbally to him, that I  
20 had this tooth problem and that I had given slips or  
21 written requests to be seen and no one had seen me, and  
22 that the pain was unbearable at that time. This was

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SHEET 15 PAGE 54

1 five days before --

2 Q Why were you in the SHU?

3 A I was in the SHU by mistake. They had  
4 some sort of investigation, which I was -- nothing came  
5 of it. It had something to do with a radio or  
6 something.

7 Q All right. Let me go through a couple  
8 times. April-May of 2002, you begin to have pain; June  
9 or July of 2002, you see Doctor Collins at an open house  
10 and you tell him about the pain; November 22nd, you see  
11 Mr. Menon at the SHU while he's doing rounds.

12 Between November 22nd and the June or  
13 July meeting you had with Doctor Collins, did you go to  
14 sick call or did you see Doctor Collins during that  
15 period of time?

16 A I reported -- Doctor Collins continued,  
17 in between that time, to tell me I had to wait. They  
18 chased me out of medical, threatening to -- told me, if  
19 I came back, that they were going to put me in the SHU.

20 That same day --

21 Q Wait. Who told you that?

22 A The two ladies, two ladies that -- they

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1 Collins again, we're going to lock you up."

2 Q Okay. All right, so how does -- how,  
3 then, do we get from that to Doctor Collins told them?

4 A Because we're in close proximity --  
5 Doctor Collins is like -- his door is right there, he's  
6 standing in the doorway and he's hearing all of this,  
7 and he's like acquiescing in it. He's not saying, "No.  
8 If you have a problem, come back." He's going along  
9 with what they're saying, "Leave, or go to the SHU."  
10 He's doing it --

11 Q Are you telling me Doctor Collins is  
12 present during this conversation you had with the two  
13 ladies in the records office?

14 A Yes. He was present one of the times --  
15 at least one of the times when I was told by the record  
16 office ladies to leave.

17 Q Do you know the names of the record  
18 office ladies --

19 A I would have to --

20 Q -- that you're referring to?

21 A I would have to look at my paperwork.

22 Q Is it in your paperwork?

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1 worked the record office. They were right -- where you  
2 come in the door, they were right there, and I believe  
3 that Doctor Collins actually told them, if I come back,  
4 to have me locked up.

5 Q Did you hear him say that?

6 A No, I didn't hear him say that.

7 Q Why, then, do you say he said that?

8 A Well, because we went through quite a  
9 bit, and then these two ladies got involved. They did  
10 have a conversation, but I didn't actually hear him say  
11 that. They had a conversation about me coming --

12 Q Well, what makes you --

13 A -- about me coming back and forth over  
14 there to the -- to see Doctor Collins.

15 Q Well, hold on a second. You just told  
16 me that you believe Doctor Collins said -- told somebody  
17 that if you come back to talk to him about your tooth,  
18 that they should put you in the SHU. Where are you  
19 getting that from, that he made that statement?

20 A Well, because they would say stuff like,  
21 "Doctor Collins doesn't want to see you. Don't come  
22 back over here. If you come over here bothering Doctor

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1 A Yes. It's in one of my -- it's in my  
2 declaration, where I state that the -- I was threatened  
3 with lockup. I believe it's in the first declaration in  
4 opposition.

5 Q Okay. When did this conversation take  
6 place?

7 A I don't remember the dates. I would  
8 have to go to my paperwork.

9 Q Okay. When you say the records office,  
10 is it the dental -- is the records office the dental  
11 records, that you're referring to?

12 A That's the records for everything. All  
13 medical records are in one file.

14 Q At any point, did -- well, you told me,  
15 in June or July, you told Doctor Collins you were having  
16 pain. Were there other times, after that, that you told  
17 Doctor Collins or anyone else that you were having pain  
18 with the tooth?

19 A I recall, the day that -- I spoke with  
20 Mr. Collins about it, I believe that was the 1st of  
21 July, the 2nd of July, somewhere within close proximity  
22 of me filing an initial -- or a BP-9 on the subject. I

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1 went from the hospital -- from the medical department,  
2 after discussing it with Doctor Collins, and I went  
3 straight over to mainline, which is where the warden and  
4 the associate warden and everybody stands during the  
5 noon meal, and I spoke directly with LaManna --  
6 Defendant LaManna about it and what Doctor Collins told  
7 me, and he concurred with Doctor Collins by telling me  
8 that I had to wait.

9 A day or two or even that same day, I  
10 filed a BP-9, and in that BP-9, I explained that I was  
11 trying to avoid greater pain, because I was having pain,  
12 and that I was told to wait, and that the filling was  
13 eroding, that it was practically out of the tooth.

14 Q So are you telling me today that you  
15 told Defendant LaManna, during mainline discussions,  
16 that you were having pain at that time?

17 A I told him that I could not eat on that  
18 side of my mouth. He asked me if I had been to medical.  
19 I said, "Yes, I went over and I spoke to Doctor Collins  
20 about it," and then he asked me, "What did he tell you?"  
21 and I told him, "He told me that I must wait for my name  
22 to come up." He said, at that point, then --

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1 Q My question was, however, did you tell  
2 Defendant LaManna that you had pain --

3 A Yes. I told him I had difficulty eating  
4 on that side of my mouth --

5 Q Well --

6 A -- and that eating on that side --

7 Q Go ahead. I interrupted you.

8 A -- that eating on that side and cold air  
9 caused me pain. Yes, I told him that.

10 Q All right. After that discussion with  
11 LaManna and Collins, what did you do next?

12 A I prepared a BP-9, which is a formal  
13 request. It's actually the beginning of the  
14 administrative remedy process.

15 Q In that form, did you indicate that you  
16 had pain in your tooth at that time?

17 A I'm not sure if I actually said that I  
18 was having pain, but I'm pretty sure that I told him  
19 that I was trying to avoid greater pain.

20 Q Okay, and did you receive a response?

21 A Yes, I did.

22 Q Who did you receive a response from?

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1 A Defendant LaManna.

2 Q All right. What did he tell you at that  
3 point?

4 A I can't remember everything, but he,  
5 essentially, told me that I had to wait.

6 Q Now that's in July of '02. What happens  
7 after that?

8 A I was continually told to wait, and I  
9 just --

10 Q Did you ever -- well, Mr. Hill, where is  
11 sick call physically located within the prison?

12 A It's at the medical services. It's in  
13 the same building with all the medical facilities.

14 Q Where is it relative to Doctor Collins'  
15 dentist office?

16 A It's right there. Doctor Collins'  
17 office is actually -- when you come in the door, his  
18 office is the first door you see, when you come through  
19 the outer door.

20 Q But is there a person, a receptionist or  
21 somebody, who greets or accepts people who go to sick  
22 call because of some emergency or because of pain?

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1 A Yes. Those were -- the two record  
2 office ladies, they had a window that you had to walk  
3 past when you first come in to the door, and they would  
4 --

5 Q All right.

6 A -- they would stop you, normally, and  
7 ask you what you were there for.

8 Q Okay, and just so I'm clear, you don't  
9 remember their names today, but you're telling me that  
10 in one of your affidavits, you have identified them by  
11 name?

12 A No, I haven't. I just -- I believe I  
13 spoke about the threats that I received about reporting  
14 -- about constantly coming to medical.

15 Q What did the women look like; were they  
16 black, white, young, old, --

17 A White.

18 Q -- blonde, brunette?

19 A White. White -- two white ladies. I  
20 guess they were -- I guess you could say, early forties.

21 Q And what time of day would you have been  
22 there during the -- at least the discussions where they

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1 said, "We're going to have you put back in the SHU if  
2 you come back again and bother Doctor Collins?"  
3 A It would be sometime -- I didn't -- I  
4 never said "put back," because Doctor Collins -- and  
5 they never put me in the SHU relevant to me coming to  
6 see Doctor Collins, I was in the SHU for other matters.  
7 They never told me they was going to put me back in the  
8 SHU; they said that they would put me in the SHU.  
9 Q Okay. What time of day was it that you  
10 heard -- overheard them saying that in Doctor Collins'  
11 presence?  
12 A What day was it?  
13 Q What time of day.  
14 A Sometime in the morning. It was like in  
15 the A.M.  
16 Q Okay. Mr. Hill, if you filed any  
17 paperwork with the prison system concerning your wanting  
18 to have dental care, would you have indicated in that  
19 paperwork that you had pain, if, in fact, you had pain?  
20 A Well, you have to understand something,  
21 sir. I had a liver disease, right, and you can't take  
22 Motrin, so -- you can't take Tylenol, at least not too

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1 much of it, and at that point, that's the only thing  
2 that they were offering, so to avoid greater pain, pain  
3 that I could not take, it was my motive to try to get  
4 this tooth taken care of, get it -- you know, the best  
5 treatment that I could get for it, before the greater  
6 pain started, so I used the word "greater" pain a lot,  
7 because I could not take --  
8 Q That's my point. To the extent you  
9 filed a BP-9 or an administrative remedy request or an  
10 informal resolution, I want to know, if you were  
11 experiencing pain at that time, would you have included  
12 it in those forms that you filed?  
13 A I believe it's in those forms, yes, sir.  
14 Somewhere along the way, it's in those forms.  
15 Q All right.  
16 MR. COLVILLE: (Conferring with Mr.  
17 Goldring.)  
18 A couple more questions, Mr. Hill.  
19 MR. GOLDRING: A couple more questions.  
20 EXAMINATION  
21 BY MR. GOLDRING:  
22 Q There are three defendants that are

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1 named in your complaint, that I just wanted to follow up  
2 with. The first one is Ms. Fantaskey. Do you remember  
3 her?  
4 A Yes, sir.  
5 Q Can you tell me, what was her position  
6 in the -- in the institution?  
7 A She was the -- what they call the SOE,  
8 which is the supervisor of education.  
9 Q Okay, and what is your specific claim  
10 with respect to Ms. Fantaskey?  
11 A Ms. Fantaskey was present, and she was  
12 the acting supervisor of industry on the date that I was  
13 -- that I filed my informal resolution, and I was called  
14 into the office by Defendant Sapko, Defendant Housler,  
15 and some of the other prison officials, and she was  
16 present, and she told me not to file anything else, or  
17 something of that nature she stated, but she was there  
18 as the supervisor of the industry, the UNICOR, that day,  
19 she was acting, and she may have been acting at other  
20 times.  
21 Q Was she acting just for that particular  
22 day, or was she acting for a longer period of time?

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1 A I don't know. I know for sure that --  
2 Q Did she have any other involvement in --  
3 A Any other involvement?  
4 Q Go ahead.  
5 A You said, did she have --  
6 Q Did she have any other involvement in  
7 the UNICOR factory?  
8 A I don't know.  
9 Q How about Mr. Klark, do you remember Mr.  
10 Klark?  
11 A Yes, I remember Mr. Klark.  
12 Q What was his position in the  
13 institution?  
14 A Mr. Klark, when I filed the -- after I  
15 filed the informal resolution, Mr. Klark had me paged  
16 and brought over to the lieutenant's office, where he  
17 and Mr. Housler and a -- another individual that was --  
18 I can't remember his name, he was -- he worked in the  
19 UNICOR -- and he was trying to negotiate or find out  
20 what my complaints were with respect to the BP-9 or the  
21 administrative remedy that I had filed, and he said that  
22 I could go back to work, I could get my job back, if he

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1 didn't see any more BP-9's on this subject.

2 Q Do you remember what Mr. Klark's  
3 position was at the institution?

4 A I believe he was -- and I may be wrong.  
5 I believe he was the warden's executive assistant at  
6 some point, but I'm sure he was the camp administrator.

7 Q And did Mr. Klark ever have any direct  
8 involvement with your position in UNICOR?

9 A Not to my knowledge.

10 Q Was he a supervisor of any of the  
11 employees at UNICOR, that you're aware of?

12 A I wouldn't know that. I don't -- I'm  
13 not too familiar about the -- what exactly his position  
14 was or what his functions may have been at different  
15 times, so I can't answer that question.

16 Q Okay, and then the third one was Mr.  
17 Reome. Do you remember Mr. Reome?

18 A Yes.

19 Q Okay. What was his position?

20 A He was my unit manager.

21 Q Okay, and can you tell me in your words  
22 exactly what your complaint is about Mr. Reome -- or

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1 MR. COLVILLE: That's all we have. Thank  
2 you.

3 THE WITNESS: Thank you.

4 MR. DEVLIN: Mr. Hill, we will get a  
5 copy of the deposition, and we will send it to you for  
6 you to review. You can -- there will be what's called  
7 an errata sheet on the back of it, and you can review it  
8 to make sure that everything you said here today was  
9 taken down correctly. If there were any errors in how  
10 it was transcribed, you can indicate those and then sign  
11 it and send it back to us. It usually takes a week or  
12 so to get the transcripts ready, so once we get them,  
13 we'll send you a copy.

14 THE WITNESS: Thank you.

15 MR. DEVLIN: All right. Thank you.

16 MR. COLVILLE: Thank you, Mr. Hill.

17 THE WITNESS: All right.

18 (Witness stands aside.)

19 (WHEREUPON, the deposition

20 was concluded at 10:35 A.M.)

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1 your claim is about Mr. Reome?

2 A I believe Mr. Reome was -- yeah, he --  
3 I'm pretty sure, he was present the day that I was  
4 called to the meeting by Defendant Sapko and Defendant  
5 Housler and Fantaskey. The meeting was held in his  
6 office, and I believe he was -- basically, my complaint  
7 with respect to him was the retaliation, the firing of  
8 the job and the threats that were made towards me.

9 Q You said that your complaint with  
10 respect to Reome was retaliation. Would you say that's  
11 the same case for Klark and Fantaskey, as well?

12 A I don't know, because -- no, because Ms.  
13 Fantaskey was also the supervisor of UNICOR at that  
14 point and probably other points.

15 Q Was Reome ever a supervisor in UNICOR?

16 A No.

17 MR. GOLDRING: One second.  
18 (Conferring with Mr. Colville.)

19 MR. DEVLIN: Do you have anything else?

20 MR. COLVILLE: No.

21 MR. GOLDRING: That's all I have. Thank  
22 you.

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I have read the foregoing transcript, pages  
4 through 68, inclusive, which contains a correct  
transcript of answers made by me to the questions  
therein recorded, or as amended in the attached list  
of corrections.

DATE

MICHAEL HILL

STATE OF WEST VIRGINIA,

COUNTY OF \_\_\_\_\_, to-wit:

Taken, subscribed and sworn to before me this  
day of \_\_\_\_\_, 2006.

My commission expires \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

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ERRATA SHEET

The following changes and/or corrections are suggested for the deposition of MICHAEL HILL taken on November 1, 2006.

Page No.	Line No.	Reference	Correction
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REPORTER'S CERTIFICATE


I, Pamela K. Judy, Certified Verbatim Court Reporter and Notary Public within and for the State of West Virginia, duly commissioned and qualified, do hereby certify that the foregoing deposition of MICHAEL HILL was duly taken by me and before me at the time and place specified in the caption hereof, the said witness having been by me first duly sworn.

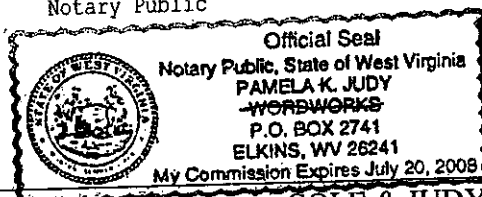
I do further certify that the said deposition was written out in full and transcribed into the English language under my supervision and that this deposition is a true record of the testimony given by the witness.

I further certify that I am neither attorney or counsel for, nor related to or employed by, any of the parties to the action in which this deposition is taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties hereto or financially interested in the action.

Given under my hand this 3rd day of November, 2006.

My commission expires July 20, 2008.

  
Certified Verbatim Court Reporter  
Notary Public



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<p style="text-align: center;"><b>0</b></p> <p>02 [1] 60:6 03 [4] 19:18,19 23:7,7 03-323e [1] 1:5</p> <hr/> <p style="text-align: center;"><b>1</b></p> <p>1 [1] 70:4 10:30 [1] 6:2 10:35 [1] 68:20 100 [3] 13:9,12,13 120 [1] 2:4 13th [1] 19:19 15219 [1] 2:11 16501-1461 [1] 2:5 18-wheeler [1] 24:20 18th [1] 45:8 1995 [1] 37:16 1999 [5] 37:6,7,10,14,15 1st [2] 1:10 57:20</p> <hr/> <p style="text-align: center;"><b>2</b></p> <p>2'02 [1] 5:2 20 [4] 12:15,18,21 71:21 2001 [3] 45:6,8,15 2002 [7] 48:4 49:3,8,9 52:11 54:8,9 2003 [2] 6:17 19:11 2006 [2] 1:10 70:4 2008 [1] 71:21 201 [1] 1:12 20534 [1] 2:15 22nd [3] 52:11 54:10,12 24th [1] 19:18 2nd [1] 57:21</p> <hr/> <p style="text-align: center;"><b>3</b></p> <p>3:30 [2] 6:2 20:8</p> <hr/> <p style="text-align: center;"><b>4</b></p> <p>4 [2] 3:3 69:2 400 [1] 2:14 4000 [1] 2:10</p> <hr/> <p style="text-align: center;"><b>5</b></p> <p>50 [1] 13:10</p> <hr/> <p style="text-align: center;"><b>6</b></p> <p>6:00 [1] 41:21 63 [1] 3:4 68 [1] 69:2</p> <hr/> <p style="text-align: center;"><b>7</b></p> <p>7:30 [1] 20:8 700 [1] 2:10</p> <hr/> <p style="text-align: center;"><b>9</b></p> <p>9:05 [1] 1:11 95 [1] 37:17 99 [1] 37:17</p>	<p style="text-align: center;"><b>A</b></p> <p>a.m. [14] 1:11 9:17,18,20 19:13 20:2,6 25:9,10 27:4 41:21,22 62:15 68:20 able [2] 44:18 45:21 above-entitled [1] 1:10 abundance [1] 9:9 accepts [1] 60:21 accident [2] 40:4,6 according [1] 10:13 accurate [3] 13:19 42:5 43:1 ache [1] 51:21 acquiescing [1] 56:7 acting [5] 64:12,19,19,21,22 action [4] 1:5,10 71:15,18 activities [1] 22:12 actually [15] 10:19 11:8 16:12,19 18:9 19:8 40:21 53:6,10,18 55:3,10 59:13,17 60:17 added [1] 46:19 administrative [6] 35:19,20 40:17 59:14 63:9 65:21 administrator [2] 52:9 66:6 affidavits [1] 61:9 affirmatively [1] 4:14 affirmed [1] 30:21 afterwards [1] 43:14 ago [2] 33:9 50:10 ahead [5] 28:2 33:18 48:11 59:7 65:4 air [4] 35:12 48:1 49:7 59:8 aisle [1] 14:20 al [1] 1:6 allergic-type [1] 29:6 almost [1] 16:22 already [1] 28:1 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